

# MAINE STATE LEGISLATURE

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Date: 3/28/8

L.D. 405  
(Filing No. H- 859)

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 321, L.D. 405, Bill, "An Act To Establish Necessary MaineCare Pharmacy Incentives"

Amend the bill by striking out the title and substituting the following:

**'An Act Regarding MaineCare Pharmacy Professional Fees'**

Further amend the bill by striking out everything after the title and before the summary and inserting the following:

**'Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §3194** is enacted to read:

**§3194. Report on cost of dispensing medication**

The Office of MaineCare Services within the department shall biennially review and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding the cost of dispensing a medication in the State. By July 1st of each even-numbered year, the Office of MaineCare Services shall consider adjusting, through MaineCare rule amendment, the MaineCare pharmacy professional fee to reflect the cost of dispensing a medication in the State.

**Sec. 2. MaineCare pharmacy professional fees.** The Department of Health and Human Services, Office of MaineCare Services shall:

- 1. After implementation by the federal Centers for Medicare and Medicaid Services of the federal regulations setting new average manufacturer-price-based federal upper limits pursuant to the federal Deficit Reduction Act of 2005, review the projected impact of those regulations for fiscal years 2007-08 and 2008-09 on MaineCare pharmacy reimbursement for multiple source drugs. Within 90 days of implementation, the

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 321, L.D. 405

1 department shall report on the review to the joint standing committee of the Legislature  
2 having jurisdiction over health and human services matters; and

3 2. Within 15 days of the department's submitting the report under subsection 1 to the  
4 joint standing committee of the Legislature having jurisdiction over health and human  
5 services matters, adopt emergency rules that use any savings accruing to the MaineCare  
6 program from the new average manufacturer-price-based federal upper limits to adjust  
7 the professional fee paid to licensed pharmacies for dispensing multiple source drugs to  
8 MaineCare members. The purpose of this adjustment is to compensate pharmacies in the  
9 State for reimbursement projected to be lost throughout fiscal years 2007-08 and 2008-09  
10 as a result of the new federal upper limits on MaineCare payments to pharmacies for  
11 multiple source drugs.'

12 **SUMMARY**

13 This amendment replaces the bill. It provides a process for determining the cost of  
14 dispensing a medication under the MaineCare program, for reporting that information to  
15 legislative committees and for raising the professional fee paid to pharmacies for  
16 dispensing medications. It requires the Department of Health and Human Services,  
17 Office of MaineCare Services to consider adjusting the fee every 2 years.

18 **FISCAL NOTE REQUIRED**  
19 **(See attached)**



# 123rd MAINE LEGISLATURE

LD 405

LR 1614(02)

**An Act To Establish Necessary MaineCare Pharmacy Incentives**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional costs to the Office of MaineCare Services in the Department of Health and Human Services can be absorbed by the office utilizing existing budgeted resources. Assumes language requiring the Office of MaineCare Services to consider adjusting the MaineCare pharmacy fee is permissive and that the office would not increase the fee unless it could do so within existing budgeted resources or requested additional resources to fund the increase.